



— BUREAU OF —  
RECLAMATION

# Transferring Title of Reclamation Facilities

Stakeholder Workshop  
October 21<sup>st</sup>, 2020

**“This new title transfer process embodies the President’s goals of streamlining bureaucratic processes and making our government more efficient and accountable. Title transfers are a win for local communities and a win for the American taxpayer. The Department looks forward to continuing our work with local water users to reduce title transfer costs, stimulate infrastructure investment through local ownership with the bottom-line goal of making this new streamlined approach a major success.”**

**Interior Secretary David Bernhardt (5/22/19)**





# Outline

- Streamlining Title Transfer
- Program Accomplishments
- Eligibility Requirements for Title Transfer
- The Title Transfer Process
- Lessons Learned
- Program Contacts





# Streamlining Title Transfer

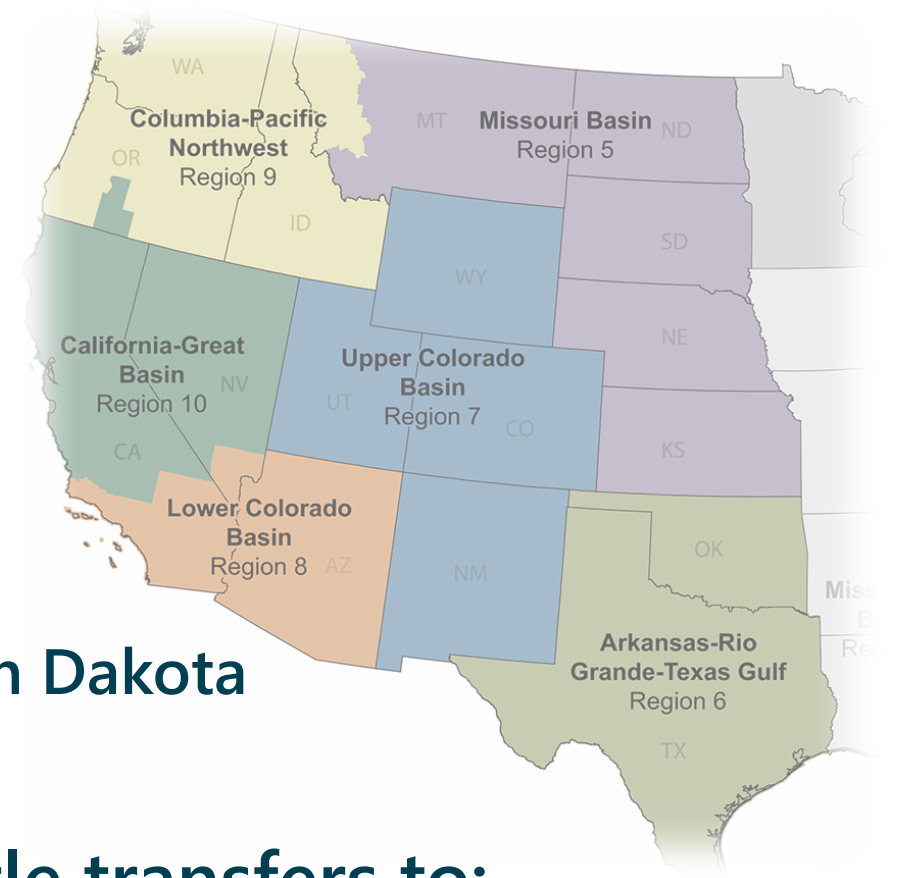
- John D. Dingell, Jr. Conservation, Management and Recreation Act (P.L. 116-9) was signed into law on March 12, 2019
- Reclamation released a new Directive and Standard (D&S) CMP 11-01 “Title Transfer for Reclamation Project Facilities” in March 2020
- A new National Environmental Policy Act (NEPA) Categorical Exclusion (CE) can be used if the scope of the requested transfer is consistent with qualification factors of the CE





# Program Accomplishments

- Executed title transfers:
  - Emery County Project, Utah
  - Uintah Basin Replacement Project, Utah
  - Oakes Test Area, Garrison Diversion Unit, North Dakota
- Congress has been notified of proposed title transfers to:
  - North Side Pumping Division and Gravity Division, Minidoka Project, Idaho
  - Facilities within the Hyrum Project, Utah



# Eligibility Requirements for Title Transfer

The title transfer agreement must meet the eligibility requirements of P.L. 116-9 and the process requirements of the D&S, including:

- Transfer entity & requested facilities meet eligibility requirements
- There will not be a significant, unmitigated effect on the environment
- Public and tribal interests will be protected
- Existing water delivery obligations will be fulfilled
- The transfer will comply with all applicable Federal and State laws
- Net present value of repayment obligations and other income streams to the U.S. is paid
- Market value of withdrawn lands is appraised and paid, if applicable
- Inspection of facilities is complete, and dam safety decision document is drafted if applicable

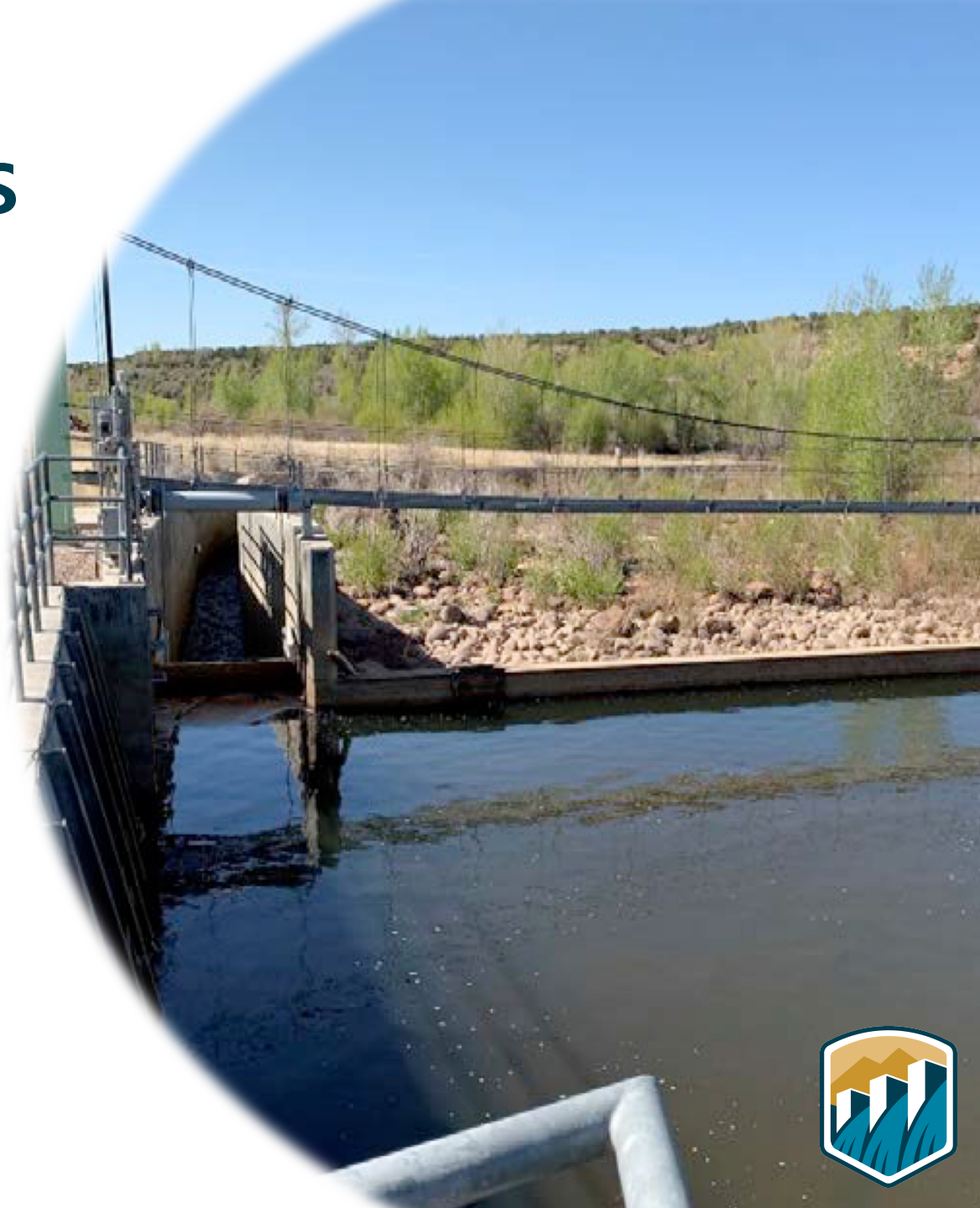




# The Title Transfer Process

First steps in this process:

1. Initial request for title transfer
2. Completion of the Title Transfer Information Sheet (D&S Appendix A)
3. A Memorandum of Agreement



# The Title Transfer Process

After Reclamation and the requestor both sign the MOA they will:

- Develop a communications plan and identify all stakeholders
- Perform the necessary activities to comply with all applicable environmental and cultural resources laws and regulations
- Review all requested land or interests in land
- Conduct an onsite pre-transfer review of the facility
- Draft a title transfer agreement





# The Title Transfer Process

The final steps:

- Expeditious internal review of all final reports and the draft title transfer agreement
- Written notice of proposed transfer sent to Congress for 90-day period
- Public notice of proposed transfer
- Signing of the title transfer agreement and execution of necessary deeds and legal instruments



# Lessons Learned

- Early communication with stakeholders, other Federal agencies
- Finalize scope of transfer as soon as possible
- Templates and tools from previous title transfers





# Contact a Regional Coordinator

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Questions?  
Visit: [usbr.gov/title](https://usbr.gov/title)



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